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SUMMARY RECORD OF THE 222nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 31 May 1995, at 10 a.m.

Chairperson: Ms. BELEMBAOGO

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Belgium

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Belgium (CRC/C/11/Add.4; CRC/C.9/WP.4; HRI/CORE/1/Add.1/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Belgium took seats at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Belgium and invited it to introduce the Belgian report (CRC/C/11/Add.4).

3. Mr. WILLEMS (Belgium) said that it was an honour for his country to report to the Committee for the first time on progress made in implementing the provisions of the Convention. His delegation had come in a spirit of openness and willingness to engage in what he hoped would be a constructive and useful dialogue.

4. His delegation was aware of the fact that the new federal structures adopted in Belgium in 1993 might appear complex to outsiders and might create certain difficulties impeding a full understanding of the report; those structures therefore merited a preliminary explanation. As a result of the 1993 reforms, Belgium was a federal State in which responsibility for different areas, including those covered by the Convention, was shared primarily between the Federal Government and the three major linguistic and cultural Communities. The new structures had been consolidated by the elections of 21 May 1995, in which the Community parliaments and the Federal Parliament had been elected. It was clear that the country was in a transitional phase and had experienced certain initial difficulties in the course of its attempts to establish a clear definition of responsibilities at different levels. Those difficulties had now largely been overcome, with the result that efficient mechanisms now existed for coordination and the settlement of disputes. The composition of his delegation reflected the new administrative structure in that it included representatives of the federal and Community authorities.

5. He suggested that three main points needed to be taken into consideration when considering the report: first, the fact that Belgium was a highly developed and affluent country and one of the 12 biggest contributors to the United Nations. That, as the Government was aware, imposed a particular responsibility to ensure that international instruments, including the Convention on the Rights of the Child, were properly implemented. Secondly, the new State structures which had been established, while far from perfect, had been shown by and large to be effective. Lastly, there was a general awareness of the need to work continually within the available structures to promote the welfare and protection of young people, a task to which Belgium was fully committed.

6. Mr. DEBRULLE (Belgium) said that he wished to describe more fully how responsibilities were shared between the Federal Government, the Communities and regional authorities. Referring to the core document (HRI/CORE/1/Add.1/Rev.1), he observed that, under the terms of the Constitution, four major areas were the responsibility of the Communities,

namely, cultural affairs, education, the use of languages and so-called "personalizable matters", which related closely to the personal and social development of individuals and comprised health policy and social assistance. In the latter area only, there were important exceptions where the federal authorities retained competence. Those exceptions included certain questions relating to civil law, criminal law and judicial organization in the youth sector.

7. The Communities, for their part, were responsible for all aspects of the protection of young people at risk, drafting and implementing legislation for that purpose, implementing measures for the protection of young offenders, and establishing the necessary infrastructure. That allocation of responsibilities had been based on the desire to place the protection of young people under a less legalistic and more socially-oriented authority, namely, the Community. That system appeared to be functioning well, and a number of mechanisms had been established for coordination between the federal and other levels of government and for the settlement of any disputes over jurisdiction.

8. With regard to the status of the Convention in relation to Belgian domestic law, the key question was: what conditions did an international instrument need to satisfy in order to have legal effect in Belgian domestic law? The first condition was obviously that the instrument should be in force in international law, which was clearly the case with the Convention on the Rights of the Child. The second condition related to the formalities required under Belgian law to give the instrument legal effect in domestic law, those formalities consisting basically of a process whereby the assent of the competent authorities, as defined in article 167, paragraphs 2 and 3, of the new Constitution was obtained. In the case of the Convention, that had involved approval by the Federal Parliament and assent by the Community Councils. That process had led to ratification by the King as part of the Federal Executive and finally to the promulgation of the ratified Convention in the Moniteur belge, the official gazette.

9. Those formalities, however, were not in themselves sufficient to guarantee that international instruments such as the Convention acquired legal force in Belgium. It was also necessary for the content of the instrument itself to meet certain criteria, namely, that it should have a legal purpose, which excluded declarations of intent devoid of any normative character; and the purposes of the instrument must not be subject to the enactment of any domestic provisions other than those by which the instrument was given legal force. There was thus a subjective criterion based on the intentions of the parties to the Convention and an objective criterion, namely, the absence of any requirement for additional domestic legislation, in other words, the requirement that the instrument should have a "self-executing" character.

10. In Belgium, that meant an international instrument which could impose on the State obligations to act in a certain way and could be cited as a source of domestic legislation by the courts without any requirement for additional domestic legislation. Since the Convention did not expressly state that any of its provisions had direct force in the domestic law of a State party, it was for the Belgiun courts to decide, in the light of the Vienna Convention on the Law of Treaties of 1969, whether a particular provision of the Convention implied rights and obligations for the State alone or whether it also had a

direct effect on domestic law of which individuals could take advantage. In a number of decisions in the past five years, which were cited in the written replies to the Committee's questions, Belgian courts had ruled that a number of the Convention's provisions were directly applicable under Belgian domestic law and the Convention had been cited in court decisions even before it had come into force.

11. In one such case, involving the abduction of a child by her parents from a foster home in the Netherlands, the Court of First Instance of Courtrai had invoked article 3 and article 9, paragraph 3, of the Convention in support of its decision that it was not in the best interests of the child concerned to separate her from her parents, as a court in the Netherlands had originally done.

12. In a decision handed down on 24 May 1993, the Ghent Court of Appeal had cited articles 3 and 12 of the Convention in determining that the father of two young girls could not visit them if they did not wish to see him; and that due consideration should be given to their opinions in the light of their age and maturity. The same court, on 14 June 1993, had invoked articles 3 and 9 of the Convention in giving preference to the mother of a child following a divorce.

13. Article 9, paragraph 1, and article 4 of the Convention had been cited by the Civil Court of Arlon on 4 February 1994 in a ruling which had allowed three minors of Chinese origin to remain in Belgium with their father, despite having received an expulsion order. On 13 June 1991, the Civil Court of Liège, basing its decision on article 14 of the Convention, which had not at that time been in force in Belgium, had ruled that the father of a girl who had associated with Jehovah's Witnesses should not attempt to change her beliefs or to prevent her from meeting other adherents of that religion. At the same time, the court had forbidden the mother to allow the girl to be baptized before the age of 18. The examples cited showed a willingness by courts to implement the Convention, as well as a high degree of judicial autonomy in applying its provisions.

14. With regard to the status of the Convention in relation to domestic legislation and the provisions that existed to resolve any conflict between the provisions of the Convention and those of domestic law, he said that attempts had been made in the course of successive constitutional reforms to establish a general principle whereby the provisions of treaties and those of domestic law could be brought into line. All those attempts had so far failed. However, the matter had been resolved by the Court of Cassation, the country's highest court, in a ruling given in the Fromagerie Franco-Suisse Le Ski case on 27 May 1971. That ruling had unequivocally asserted the primacy of international treaty law over domestic provisions, even those enacted subsequently. Its primacy, according to the Court, derived from the very nature of international treaty law. That meant that domestic legislation could be applied only inasmuch as it was compatible with the provisions of international treaties which had direct effects in domestic law.

15. Turning to the Committee's questions regarding the preparation of the report (question 1 in the list of issues), he noted that the process had been a long and difficult one and that as a result it had not been possible to

submit the report on time. In producing the report, the Ministry of Justice had worked in close consultation with 7 other Federal Ministries and with 10 government departments at the Community and regional levels, as well as enlisting the help of two distinguished members of the universities of Ghent and Louvain, who had made an important contribution to the report. Unfortunately, there had been no time to consult Belgian NGOs before the report had finally been approved. That had not been due to any lack of goodwill on the part of the government departments involved. On the contrary, they had on other occasions shown their willingness to work with the NGOs in the area of children's welfare and had, for example, participated in the symposium organized by Commission Justice et Paix on 9 June 1993. NGOs had also been involved in the process of creating a permanent body for monitoring the implementation of the international human rights instruments ratified by Belgium. The Belgian authorities attached great importance to collaboration with NGOs, and every effort would be made in future to ensure that NGOs were fully involved, not only in the process of compiling reports but also in creating effective mechanisms for monitoring the implementation of conventions.

16. With regard to those monitoring mechanisms, he was able to cite a number of specific initiatives at the government level. One was the creation of an advisory human rights commission which would comprise representatives of NGOs and federal, Community and regional governments and examine the implementation of the international human rights instruments in Belgium. Previous attempts to set up such a commission had failed, partly because of budgetary problems, but also as a result of the unwillingness of some NGOs to be seen to be associated with government efforts which might be regarded as compromising their autonomy. Other initiatives had come from a public body, the King Baudouin Foundation, which had also been considering how best to create effective permanent mechanisms for monitoring the implementation of the Convention on the Rights of the Child and had put forward a number of proposals. Those and other questions would certainly figure in the programmes of the new federal, Community and regional governments. Any suggestions and recommendations which the Committee might make would help the Belgian authorities in their endeavours to create appropriate mechanisms.

17. The CHAIRPERSON thanked the Belgian delegation for its detailed and comprehensive statement. It had provided a useful basis for a frank discussion on the measures already taken by the Belgian Government at the legislative, administrative and other levels, and on what remained to be done to enhance implementation of the Convention in Belgium.

18. She invited the Committee to begin a discussion of the section of the list of issues entitled "General measures of implementation".

19. Ms. BADRAN said she wished to refer to the issue of the reservations Belgium had entered, and particularly that relating to article 2 of the Convention. While Belgium had, in its written replies, mentioned certain measures it had implemented to abolish discrimination, there was evidence of discrimination in the Belgian legal system with regard to two specific groups of children born out of wedlock. Children born as a consequence of adulterous or incestuous liaisons were discriminated against in matters of inheritance and in their right to bear their father's name. The report did not indicate

the size of those two groups of children and so the Committee could not assess the scope of the problem. She wished to know whether there was a large number of children born as a result of an incestuous liaison and whether there was a cultural factor that encouraged that situation.

20. Mr. HAMMARBERG said he was impressed by the fact that, despite the complexity of its system, the Government of Belgium had been able to ratify the Convention and produce a report. The Committee would have appreciated action by the Government to consult NGOs because it believed that such consultation could ensure that work was also being done to increase public awareness of the ideas contained in the Convention. Experience had shown that cooperation with NGOs was essential in achieving results and he hoped that, in future, a good cooperative arrangement would be established between the NGO community and the Belgian Government.

21. While he would resist the temptation to initiate a far-reaching discussion on the complexity of the administrative structure in Belgium, there was one aspect that was of particular interest to the Committee, namely, monitoring and coordination. The Federal Government was responsible to the international community for the implementation of conventions, but it was all the administrative authorities throughout the country that had an obligation to ensure such implementation. The complexities of the Belgian system of government would obviously create differences in approach, but he wondered whether there was an independent mechanism for monitoring and coordinating action taken in all the communities, so as to ensure the universal application of the Convention within the country. He also asked for clarification of the role of the Delegate-General.

22. Mr. MOMBESHORA asked whether the Delegate-General, in serving the public, published his findings or whether he merely made recommendations to the Government.

23. Mrs. SANTOS PAIS welcomed the recent thorough administrative and legislative reforms, which would have a positive effect on the status of human rights in Belgium. She invited the delegation to transmit a copy of relevant judicial decisions so that the Committee could include the Belgian experience in the information it had compiled on the implementation of the Convention. The Belgian report had given a full description of the legislative framework for the protection of children, and it appeared that the general thrust of the Convention had been reflected in Belgian legislation. Judging from the most recently enacted legislation, Belgium had made great strides in improving the implementation of human rights instruments, particularly in the areas of slavery, child pornography and other forms of sexual abuse.

24. She would like to have a better understanding of the impact of the Convention on the daily life of children in Belgium. She asked how the Government assessed its policies and how the process of data collection contributed to overall assessment of its performance. She noted the lack of a data-collection system covering the entire country and inquired whether any progress had been made since the conference held in Ghent in December 1994. She was particularly interested in hearing more about the work of the King Baudouin Foundation.

25. With regard to budgetary issues, she asked for an explanation of how the system of decentralization affected the Communities, their need for adequate resources and how they identified and met their needs.

26. Turning to the question of reservations, she said the Committee would like to encourage reconsideration of the first reservation regarding non-nationals. She wondered whether that reservation was really necessary given that non-discrimination was one of the major principles of the Convention. Regardless of their nationality, the rights of all children under the jurisdiction of a State party must be respected and protected. The reservation entered by Belgium on that issue could give the impression that there was an absence of political will to accord equal treatment to all children. How should the Committee interpret Belgium's reservation on article 2?

27. Mr. KOLOSOV drew attention to reports that two persons from Flanders had criticized the initial report and the Government's failure to consult NGOs in drafting it. He had mentioned the question only because it related to problems raised by the declarations made by Belgium when it had ratified the Convention.

28. The first problem, the status of foreigners, was a matter of deep concern. While no State could automatically guarantee certain political rights to foreigners, there were social and civil rights which should be applied to all. He wondered whether Belgium was interested in becoming a State party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and, if so, whether the Government considered its declaration incompatible with the provisions of that Convention.

29. In entering its declaration on the freedom of information and the right to be informed (arts. 13 and 15), Belgium had said that that right would be respected in view of the limitations of the European Convention on Human Rights of 1950. He was not sure that the limitations imposed on that right in 1950, four decades before the adoption of the Convention on the Rights of the Child, were still valid. Furthermore, he saw no contradiction between articles 13 and 15 of the Convention on the Rights of the Child and the European Convention on Human Rights. He inquired whether the three Communities had equal per capita financial resources for children in need, which of the Communities had most children in need of assistance and how such assistance was handled.

30. Mrs. KARP said that she had found the report and the introductory statement very informative, but was not sure that she completely understood the complex system of administration in Belgium. She wondered whether the Government itself, with such short experience, knew how the situation would develop. She wished to raise the issue of policy formulation because she believed it was basic to children's rights. In her view, policies relating to children should be comprehensive and holistic. She asked how the Government of Belgium could formulate legislative policies when there were important elements outside the competence of the federal entity. She gave the example of criminal law: juvenile justice should include both criminal and social treatment. How could the system work in a holistic manner to find

alternatives to imprisonment if the system of criminal justice was divided. She noted that one of the problems was that young children were imprisoned because of the lack of treatment institutions and judges did not have appropriate alternatives. Her question extended beyond the realm of the penal system to include all other areas in which laws and regulations had to be formulated in order to protect the rights of children. It was essential to know in advance what provision had been made for social institutions and services in order to deal with the issues raised by children's rights.

31. The CHAIRPERSON observed that the Convention should be considered as a working tool to protect the rights of children, regardless of their nationality or situation. She invited the Belgian delegation to respond to the questions raised by the Committee and to provide further clarification.

32. Mr. DEBRULLE (Belgium) said that the questions were of great relevance and complexity. His colleagues from the Communities would describe how their systems handled the matters raised. He himself would give further information on matters relating to the federal system.

33. Mr. LELIEVRE (Belgium) said that the government of the French Community was greatly concerned about transparency. It had therefore sent him to the current meeting in his capacity as the Delegate-General for the Rights of the Child. The Delegate-General was outside the normal administration and was directly responsible to the government of the French Community. His duty was to ensure that the interests of children were safeguarded. His verification of the proper enforcement of legislation enabled him to identify any failures in the different systems and in private and public bodies in the French Community. He was also responsible for making programme proposals to the government of the French Community. As was apparent from his annual reports, on questions of civil law the Delegate-General made proposals to the Minister of Justice and to the Senate. He had the power to enter public and private institutions receiving subsidies from the government of the French Community. Through his monitoring of the files of individual children he had a broad view of the difficulties which arose in implementing the Convention. The only form of government monitoring of the Delegate-General was that it read his annual report, which described all his activities. After the Council of Ministers had studied it, the government was required to transmit the report to the Council of the French Community made up of members of the majority and of the opposition. Following transmission, the report was debated and then published. It was available free of charge to any citizen from the Delegate-General's Office.

34. Belgium was undergoing a major institutional upheaval and a number of new instruments and reforms had been introduced. The country had been in the vanguard of the struggle for children's rights, for example, in enacting the Acts of 1912 and 1965 on the protection of young people. The introduction of responsibility at the Community level meant that a new approach to children's problems had been adopted. That approach had coincided with ratification of the Convention and had enabled innovative legislation to be implemented. For example, the Decree relating to Young People had been issued in 1991, even though the Convention had not at that stage been ratified by Belgium. A decree had also been issued in 1985 on the protection of abused children. The recent reform of the 1965 Act by the Ministry of Justice had been strongly

influenced by the Convention. The Ministry had been obliged to reform the laws on the separation and divorce of parents, especially in relation to procedural problems and the right of children to express themselves in such situations.

35. Article 34 of the Convention had been highlighted in order to increase political and public awareness of the fight against child abuse. The campaign in relation to that article had been set in motion by NGOs and, in partnership with the Delegate-General, a public petition had been sent to the King, the Head of the Federal Government and the Chief Minister of the French Community. As a result, legislative reforms had been introduced at the federal level one year later and preventive measures had been adopted in the French Community.

36. Furthermore, a number of instruments and organizations existed in Belgium to monitor the implementation of the Convention. The governments of the various Communities were able to monitor each other through the consultative government committee, which could be used in cases where a ministry was felt to have exceeded its powers. It was also possible to appeal to the Court of Arbitration. The French and Flemish Communities were making major legislative changes, and the new laws would have to be accompanied by changes in attitude at the local level. Such a process would take time. Nevertheless, there was a willingness in the French Community to achieve a change of attitude in order to implement the new laws introduced.

37. The CHAIRPERSON suggested that more time might be needed to discuss the status of the Delegate-General and the exact impact of his work. It was important to focus firstly on the reservations expressed, followed by discussion of the coordination, cooperation and follow-up mechanisms at the local level. Lastly, specific questions could be asked about policies relating to child abuse.

38. Mr. LELIEVRE (Belgium) said that, as Delegate-General, he had no coercive powers and only made recommendations. However, in a democracy such as Belgium citizens were always aware of the problems which arose and the proposals made by the Delegate-General. For example, the recent legislative reforms had met with a very positive response. Preventive measures against child abuse had achieved spectacular results over a period of two years. The petition sent out to members of the French Community had been very closely followed up by Parliament, the Senate and the Ministry of Justice. Other measures had not been so successful. Regrettably, article 53 of the 1965 Act still enabled a child to be imprisoned for a maximum of 15 days by a magistrate if there was no other appropriate service available. In cases of separation and divorce, although a child was free to express his or her views, there was no possibility for appeal if a magistrate decided that the child was not of the age of legal maturity. A child could not sign records of legal proceedings. Some of the measures introduced at the Community level also had an effect at the federal level.

39. Mr. VAN KEYMEULEN (Belgium) explained that in the Flemish Community no Delegate-General's Office existed. However, there was an ombudsman who received requests for assistance in solving problems involving minors. Furthermore, it was possible for all Belgian citizens to appeal to the King, a not infrequent occurrence. On 30 November 1994, the Flemish government had

established, on a non-profit-making basis, a centre for the promotion of the well-being of children and the family. Two other centres also existed: the Scientific Documentation Centre on the Family within the University of Louvain and the Centre on the Rights of the Child attached to the University of Ghent. The Centres worked together to protect the interests of children. An important principle of the Decree relating to Young People was the cooperation of the government of the Flemish Community in discharging obligations resulting from the Convention. Currently, the situation was rather difficult as a new government was in the process of being formed. Nevertheless, the Flemish administration had an agreement with the current cabinet and it would propose to the new government that a permanent Delegate-General's Office should be set up.

40. Mrs. SANTOS PAIS noted that, in addition to the Delegate-General in the French Community and the ombudsman in the Flemish Community, there was an individual ombudsman in each province. However, would it be possible to expand the status of the two main officials so that they became statutory bodies at the national level with jurisdiction over all three communities. The German-speaking Community currently appeared to have no access to such services. Would it be possible to strengthen the independence of those two very important officials? Would a broader approach at the national level lead to broader public and parliamentary debate, and hence to a greater impact in the form of more specific activities?

41. Mr. HAMMARBERG said that several major tasks could be included in monitoring activities. He asked what priority was given to the following issues within the two systems in Belgium: the receipt and follow-up of complaints from individuals and organizations; the review of proposed legislation before it was adopted in Parliament; the conduct of investigations within the terms of reference applied, for example, examination of the treatment of mentally-ill children throughout a particular area or the preparation of a public report on, or an investigation into, an individual complaint. Also, what resources were available to finance the two systems? Other important functions might exist, such as promoting public awareness of the Convention. However, even though the systems existed at the Community level, how was responsibility taken at the federal level for the implementation of the Convention?

42. Mr. LELIEVRE (Belgium) said that a fundamental difference existed between the French Community and the Flemish Community. In the latter, any citizen could address the ombudsman. In individual provinces the ombudsman dealt only with children up to the age of six. However, in the French Community the Delegate-General dealt with all children. The broad sweep of his competence included such areas as education, sport, the protection of young people, disabled children, young offenders and children involved in cases of separation and divorce. Three years' experience as Delegate-General enabled him to draw a number of conclusions. The most common form of action by the Delegate-General was in cases of child abuse - over 30 per cent. Cases of separation were the second most common, followed by about 15 per cent of cases where parents could not accept the fostering of their children.

43. The Delegate-General had a team of five officials at his disposal. The Decree relating to Young People allowed him to carry out inquiries into the

activities of other bodies in the French Community. The Decree had introduced a system of youth advisers in specific administrative areas and youth directors in the field of judicial protection. The Delegate-General was able to draw on a number of inspection services to help young people. For example, if an alleged case of child abuse arose in a crèche, he would first ask one of the subsidiary inspection services for a report on the extent of the problem. It was also possible for the Delegate-General to intervene directly, which exemplified the coordination between the different services and authorities.

44. Intensive debate on budgetary issues was under way. In the French Community some people considered that the decree instituting the office of Delegate-General should also stipulate that the government should provide him with a number of agencies and make available appropriate financial resources for his activities. In cases where the government of the French Community did not respond appropriately, the Delegate-General could mention the matter in an annual report, which would lead to a public debate on why he did not have access to the resources he needed. Some people recommended that a specific budget should be created for the Delegate-General. Currently, for example, the campaign relating to article 34 was jointly financed by the Ministry of Justice, the government of the French Community and individual organizations. Doubt had been expressed as to whether, with a specific budget for the French Community, it would be possible for the Delegate-General to carry out his normal activities.

45. Mr. VAN KEYMEULEN (Belgium) said that in the Flemish Community the ombudsman was available to both children and adults. He had a team at his disposal which tried to resolve complaints, drew up annual reports for the government, and made recommendations leading to new projects and decrees. The ombudsman was also able to conduct investigations into cases involving minors. The Flemish centre for the promotion of the well-being of children and the family would begin work on 1 January 1996. It was designed to monitor implementation of the Convention, and to draft preparatory documents containing future policy recommendations relating to children and the family. It would also be able to express its views to politicians to help them improve legislation. The centre would receive an annual budget of BF 8.5 million from the government of the Flemish Community. The budget reflected the cooperation of three or four different political parties, which was likely to be extended in the future.

46. Cooperation between individual ombudsmen in the Flemish Community and the Delegate-General in the French Community was, politically speaking, a thorny issue. "Personalizable matters" from one region to another, differed, and the situation was likely to deteriorate still further. It was therefore extremely difficult to devise a body for overall cooperation; many practical problems would arise. Nevertheless, some cooperation did exist between the two Communities and was provided for in the special laws on the distribution of powers between the Communities and the Federal Government. Regular contacts took place between the authorities of the French and Flemish Communities: joint recommendations and agreements were drawn up; Flemish children were adopted in Wallonia and vice versa. The agreements concluded must be approved in decrees; that was both provided for in national legislation and carried out in practice.

47. Mr. MOMBESHORA asked whether the Delegate-General's Office was efficiently run, given the amount of work to be done. Did special training courses exist for staff members working in very specialized areas?

48. Mr. LELIEVRE (Belgium) said that through the resources placed at his disposal by the government of the French Community he was able to obtain training for staff members and take preventive measures simply by making a request for such measures to the government. Training was provided by many institutions in the French Community, for example, the centre for training and development of young people. The team currently at his disposal contained a lawyer who combined investigations into child abuse, for example, with his normal professional work.

49. Mr. KOLOSOV asked whether, within the framework of the general measures of implementation, the Belgian delegation was able to comment on his question concerning the treatment of a child in need of social assistance in the three Communities. In financial terms, did differences exist between the French, Flemish and German-speaking Communities?

50. Mr. DEBRULLE (Belgium) said that his Government's reservation concerning aliens was precautionary since the Convention affected various areas. It had already adopted a number of principles and sought to ensure equality of treatment for Belgians and aliens. With respect to the problem of political rights, he noted that elections had recently been held in Belgium. In all private undertakings, workers were able to express themselves and vote in elections of representatives on enterprise committees. The right to vote and to be elected was open to all persons, whether they were Belgian or aliens. Legislation had recently been enacted under which third-generation nationals whose parents had been born in Belgium were fully entitled to Belgian citizenship. It should be noted that a federal centre had been established two years previously to combat discrimination and racism.

51. With respect to the reservation relating to freedom of information, his country had expressed the same reservation in connection with the International Covenant on Civil and Political Rights. It had found subsequently that the provisions of the European Convention on Human Rights and those of the Covenant were sufficiently similar to enable it to withdraw its reservation.

52. Mr. VAN KEYMEULEN (Belgium) said that a bill before Parliament made no distinction between children resulting from an incestuous liaison and other children. Previously, there had been three kinds of filiation. Once the bill had been enacted, the country would have legislation that respected the principle of equality between all children. With regard to the "incestuous child", Parliament had concluded that such a classification could have harmful effects. To protect those children, it had been decided that they would always have maternal filiation.

53. With regard to the recognition of children classified as "adulterine", the relevant legislation had provided that maternal filiation must be established. The Court of Arbitration had found that the system established by Parliament was unconstitutional and discriminatory. Ordinary courts were therefore obliged to follow the decision of the Court of Arbitration. On the

name of the child, preference had been expressed for the father's name. However, if the mother had recognized the child and the father subsequently arrived on the scene, the child would not automatically be given the father's name. Everything would depend on the particular circumstances of the case.

54. With regard to assistance given to aliens, he said that there was no distinction in Belgium between Belgians and aliens. In the area of education, which was free in Belgium, the State always provided assistance to aliens, even those who were illegal and had no papers.

55. Mr. LELIEVRE (Belgium), referring to the question whether there was any difference at the budgetary level between the various Communities, said that the Communities, which had competence in a number of areas, were entirely free to follow their preferred policy.

56. Mr. DEBRULLE (Belgium) said with regard to the question of federal coordination that the Flemish Community nad an ombudsman system while the French Community had a delegate-general system. Residual competence was given to federal bodies. Therefore, the logic of autonomy was clearly far advanced. In keeping with its obligation to improve its structure, his country was required to find the means of ensuring coordination at the enforcement level. It was there that the international community could assist his country's federal institutions.

57. Mrs. SANTOS PAIS said it appeared that in the German-speaking Community the lack of a mechanism to ensure respect for the rights of the child in various areas could result in a smaller degree of protection than in the other communities. She repeated the question often asked about the portion of the budget utilized to meet requirements in the fields of education, health, etc. Attention should also be given to coordination problems.

58. Mrs. KARP, noting that education in Belgium was free, asked whether a Community could in fact request parents to pay for their children's education. She would also like to know whether there were minimum conditions which a Community must meet in order to implement a comprehensive social policy. She asked whether, when it had been decided to revise criminal legislation, prior consultations had been held with the Community concerned to determine the level of the financial contribution from that Community and its support for federal policy.

59. Mr. HAMMARBERG noted that it was sometimes difficult to convince a particular Community that it was bound by the country's international obligations. He would like to know whether Belgium had a system to ensure that certain minimum standards would be respected. With regard to the best interests of the child, he would welcome information on how it was ascertained that, when a Community was to take a decision affecting children and local authorities, it bore that principle in mind. And what mechanism was in place to ensure that that principle was a living concept in all the Communities?

The meeting rose at 1 p.m.